



City of Seattle

Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3011527
Applicant Name: Katie Henry for Lease Crutcher Lewis
Address of Proposal: 210 Wall Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow demolition of a 25 story mixed use building and attached (above grade) garage and to establish retail sales and service use. The proposal includes approximately 3,000 cu. yds. of grading.

The following approvals are required:

SEPA - Environmental Determination – Chapter 25.05 SMC

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS
☒ DNS with conditions
☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND INFORMATION:

Site and Area Description

The proposal site is a half block site in the Belltown Neighborhood of Seattle bounded by Second Avenue, a mid-block alley, Vine Street and Wall Street. The Belltown area has seen a transition from smaller scale commercial and multifamily residential buildings to much taller mixed use, commercial and residential towers over the past twenty years and there remains a mix of structures built in the two eras.



The McGuire Building which now occupies the proposal site is a 25 story residential tower with ground floor commercial uses, next to a seven story, above ground, accessory parking.

Nearby buildings include the 25 story Seattle Heights residential building to the northwest across Vine St., and the 26 story Arbor Place Tower residential building across 2nd Ave. to the west and the Trianon across the alley to the east. The immediate area is highly developed with a mix of residential and commercial buildings and very few surface parking lots.

Proposed Project

Demolition is proposed of the McGuire Building, a 25 story, 272 unit, residential tower with an attached seven story, above grade, parking garage. The tower and garage are cast-in-place concrete structures with a combined footprint of approximately 20,000 sq. ft. Demolition of the ten year old building is necessary due to construction defects so severe as to make repair economically and practically infeasible.

Demolition would take place in three, sequential phases: garage demolition, tower demolition and foundation break up and removal.

Demolition of the parking garage would be accomplished using hydraulic pinchers attached to high reach, steel track vehicles. Hydraulic pincher demolition is expected to be the most quiet of the demolition techniques employed. Rubble will then be sorted between steel rebar and concrete and removed from the site.

The 25 story tower would be demolished from the top down, one floor at a time. Each floor would be taken apart using robotic, "Brokk" machines with hydraulic hammers attached. This material would be dropped down plywood lined elevator shafts for removal by trucks. The base of the elevator shafts would be covered with sand or other material to dampen the noise of impact. Large pieces consisting of structural pillar and shear wall elements cut into large pieces would be lowered to grade by a construction crane where they would be rubblized with breaking hammers attached to excavator vehicles before removal by trucks.

The concrete foundations are the last structural elements to be removed. In the parking garage area these are 18 inches thick with associated spread footings up to 20 feet below grade (2 feet six inches thick). Under the tower there is a concrete slab five to six feet in thickness. All of these elements contain steel rebar. Demolition of the foundation elements would be accomplished by hydraulic hammers and excavators with all material rubblized on site and most used for on-site fill.

At grade level a solid wood fence is proposed around the perimeter of the site with a two level ecology block wall inside it on the east side. Each floor level on which demolition equipment would be operating would be surrounded by a plywood wall (or material with equivalent mitigating properties) attached to the scaffolding surrounding the building. The plywood would also bridge the gap between that floor and the scaffold attached wall to prevent sound from moving down and out. A mesh screen would also be attached to the outside of the scaffolding as a method to contain debris and dust.

Measures are proposed to moderate dust impacts including the following. Water spray would be applied to lessen dust release. A woven debris net would surround the tower during demolition. Street sweeping would be conducted around the site whenever dirt or dust accumulates. Trucks would be wetted before and after loading to help control dust and debris would be placed in them as gently as possible. Tarps would be used to cover material piles on the site. Pre-filters would be installed on the intake ducts of the Trianon and other buildings as necessary with periodic maintenance.

PUBLIC COMMENTS

The Notice of Application for the project was published on November 15, 2010. The code proscribed, 14 day, SEPA comment period was extended an additional 14 days and ended on December 13, 2011. It is DPD policy to accept public comment received after close of the proscribed comment period.

Two written comment letters were received. Issues raised included concerns about potential negative impacts of noise, dust, traffic (potential street, alley, sidewalk closures), hours of construction activity, air quality in nearby buildings, and concern over the potential use of explosive demolition techniques.

ANALYSIS-SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the applicant and annotated by the Department. The information in the checklist, the supplemental information submitted by the applicant, including a Demolition Noise Control Plan dated 3-11-2011 and a Demolition Fugitive Dust Control Program dated 3-8-2011, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limited circumstances (see SMC 25.05.665.D.1-7), mitigation may be considered by the Department.

Short-term Impacts

Demolition of the structures and foundations existing on the site could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, disruption of adjacent vehicular and pedestrian traffic, and an increase in traffic and parking impacts due to construction-related vehicles. Several construction-related impacts are mitigated by existing City

codes and ordinances applicable to the project such as the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Additionally, due to the temporary nature and limited scope of these impacts, they are not considered significant per SMC 25.05.794. The following is an analysis of construction-related noise, air quality, traffic and parking impacts as well as mitigation.

Air Quality

Prior to demolition activities, the contractor will provide to Puget Sound Clean Air Agency pre-survey documentation of buildings for possible presence of asbestos and lead paint. Notice to the Puget Sound Clean Air Agency is required prior to demolition of any structures greater than 100 square feet in coverage. OSHA requirements operate to determine any special handling or disposal requirements for demolition debris. If asbestos is present in the existing buildings, Puget Sound Clean Air Agency, Department of Labor and Industry, and EPA regulations require the safe removal and disposal of asbestos encountered during building demolition.

The demolition of the concrete structures will involve reducing all materials to a condition where they can be effectively trucked off the site to recycling facilities. Considerable potential for dust production exists in this action. Piles of rubble will from time to time be present on the site waiting to be removed. Natural movement of air would be expected to cause dust, if uncontrolled, to leave the site and impact surrounding buildings and uses.

Some measures could be reasonably implemented to reduce the negative impacts of dust and the project will be conditioned to require that Dust leaving the site shall be limited to the greatest extent practicable through use of water spraying, covering, street cleaning, and through reducing the scope of or stopping activities during high winds and to require that air filters, external or internal, shall be installed, inspected and maintained on a regular schedule during activities authorized by this permit on the air intake duct(s) of the Trianon Building and on any other buildings in the area determined by DPD or the applicants to reasonably be affected by dust leaving the site.

Construction Noise

As described above in the Project Description and in the environmental documents in the DPD file, demolition activities are expected to be loud. The Seattle Noise Ordinance regulates the amount of noise which can be received at receptor sites. Additional levels are allowed for construction related activities during reduced “windows” of time. For commercially zoned receiving sites the code allowed time window for increased construction related noise creation is in the afternoon and evening. For residentially zoned sites it is during daytime hours.

The area around the McGuire Building is zoned Downtown Mixed Residential and Commercial and the uses surrounding it are a mix of both residential and commercial uses with many commercial uses, such as offices and retail businesses operating during daytime hours and some restaurants operating during evening hours as well. Because of the unique mix of uses found close to the McGuire site, the Noise Ordinance is found not to be sufficient, by itself, to mitigate noise impacts of the proposed demolition to the greatest extent reasonable.

In addition to the levels of protection provided by the Seattle Noise Ordinance (SMC 25.08 and following) the following conditions are found necessary to be imposed pursuant to SEPA authority.

1. Hours of work authorized by this permit are limited to the following periods of time:
 - a. Weekdays: Impact and percussive activities are limited to hours of 8:00 a.m. to 5:00 p.m. and all forms of work on site are limited to hours of 7:00 a.m. to 6:00 p.m.;
 - b. Saturdays: Impact and percussive activities are prohibited, all other activities can occur between the hours of 9:00 a.m. and 6:00 p.m.;
 - c. No work authorized under this permit may take place on Sundays.
 - d. DPD may allow work outside of these hours where necessary for public safety or where partial or full right-of-way closures would be required such as erecting a tower crane or demolishing building elements with a risk of collapse into the right-of-way, or to conduct work expected to have little or negative impact on surrounding properties.
2. In addition to limitations imposed by the Seattle Noise Ordinance (SMC 25.08), no sound from work authorized by this permit may exceed 60 dB(a), as defined in the Seattle Noise Ordinance, within offsite, conditioned, commercial uses (such as but not limited to office, retail or institution uses). For other non-residential uses the noise so generated shall not exceed 80 dB(a) at the receiving property line.
3. During rubblization and other activities to disintegrate or divide materials conducted pursuant to this permit hydraulic cutting and crumbling shall be used whenever reasonably possible, thereby limiting the use of impact tools.
4. Work conducted to rubblize material shall be done on a bed of rubble, sand or gravel.
5. An eight foot tall fence of a material at least as impervious to sound as half inch plywood shall surround the proposal site during activities allowed by this permit, except as necessary to allow vehicles to enter and exit the site or where location of remaining building elements make erecting a fence unnecessary or impossible.
6. Backup alarms of vehicles used outside of enclosed structures shall be broad band and not pure toned with the exception of the trucks of hauling contractors who shall be encouraged by the applicant and its contractors to use such devices.

Earth/Grading and Surface Water Runoff

During the demolition water will be sprayed extensively as a dust control measure and rain can be expected to fall on the site containing debris which has yet to be removed. The potential exists for contaminated water to leave the site.

Compliance with the Seattle Building Code and the Stormwater, Grading, and Drainage Control Code will also require that Best Management Practices (BMPs) be employed during

demolition/excavation/construction including that the soils be contained on-site and that the excavation slopes be suitably shored and retained in order to mitigate potential water runoff and erosion impacts during excavation and general site work. A drainage control plan which is expected to include temporary erosion and sedimentation control measures will be required with the building permit application. Compliance with the requirements and conditions described above will provide sufficient mitigation for the anticipated earth-related impacts.

Greenhouse Gases

The proposed demolition activities including construction worker commutes, truck trips, and the operation of construction equipment and machinery result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. The great majority of materials being removed from the site are expected to be recycled into new, useful materials including new concrete and steel.

While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Pedestrian Circulation

The Street Use Ordinance includes regulations that regulate dust, mud, and circulation within the public right-of-way. Street use permits obtained from SDOT will be necessary for any temporary closures of sidewalks and/or traffic lanes. While both Vine and Wall Streets are short segment past the site with reasonable alternative paths on the opposite side, Second Ave. is a long street segment past the site, a busy arterial, with unsignalized intersections at either end. Closure of the Second Ave. sidewalk past the site would result in appreciable inconvenience and some decrease in safety for pedestrians who would otherwise pass by. For this reason it is necessary to impose the following condition pursuant to SEPA authority.

Sidewalk closures along 2nd Ave. shall be avoided to the greatest extent possible and implemented only when necessary for public safety. No street, alley or sidewalk closures may take place without permit approval from the Seattle Department of Transportation.

Construction-Related Traffic and Parking

The proposed demolition is expected to generate many truck trips, as many as eleven per hour during the busiest periods. Construction workers are expected to travel to work in personal vehicles, although the downtown location does provide the opportunity to make use of public transit. While in aggregate there are a large number of expected trips they are expected to be distributed in a way which can be absorbed by the downtown street and regional highway systems. No SEPA policy based mitigation of traffic impacts appears to be warranted.

On-street parking in the Belltown area is regulated by parking meters. Parking in lots and garages is available for a fee. Workers arriving will have no alternative but to pay for parking or arrive by transit. Nor SEPA policy based mitigation of parking impacts appears to be warranted.

Long-term Impacts

Few long-term or use-related impacts are also anticipated as a result of approval of this proposal. The housing and commercial space which would be lost is already vacant do to the structural safety issues of the McGuire building. The structure is not old enough to be historically important. Nor is it the location of any noteworthy events; at least not until it is a high rise demolished at just ten years of age.

Summary

In conclusion, certain non-significant adverse impacts on the environment are anticipated to result from the proposal. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CODE REQUIREMENTS

A Notice of Intent must be filed with the Puget Sound Clean Air Agency prior to demolition of buildings.

CONDITIONS - SEPA

The following conditions shall be imposed during the period of demolition activity undertaken pursuant to this permit:

1. Hours of work authorized by this permit are limited to the following periods of time:
 - a. Weekdays: Impact and percussive activities are limited to hours of 8:00 a.m. to 5:00 p.m. and all forms of work on site are limited to hours of 7:00 a.m. to 6:00 p.m.;

- b. Saturdays: Impact and percussive activities are prohibited, all other activities can occur between the hours of 9:00 a.m. and 6:00 p.m.;
 - c. No work authorized under this permit may take place on Sundays.
 - d. DPD may allow work outside of these hours where necessary for public safety or where partial or full right-of-way closures would be required such as erecting a tower crane or demolishing building elements with a risk of collapse into the right-of-way, or to conduct work expected to have little or negative impact on surrounding properties.
2. In addition to limitations imposed by the Seattle Noise Ordinance (SMC 25.08), no sound from work authorized by this permit may exceed 60 dB(a), as defined in the Seattle Noise Ordinance, within offsite, conditioned commercial uses (such as but not limited to office, retail or institution uses). For other non-residential uses the noise so generated shall not exceed 80 dB(a) at the receiving property line.
 3. During rubblization and other activities to disintegrate or divide materials conducted pursuant to this permit hydraulic cutting and crumbling shall be used whenever reasonably possible, thereby limiting the use of impact tools.
 4. Work conducted to rubblize material shall be done on a bed of rubble, sand or gravel.
 5. An eight foot tall fence of a material at least as impervious to sound as half inch plywood shall surround the proposal site during activities allowed by this permit, except as necessary to allow vehicles to enter and exit the site or where location of remaining building elements make erecting a fence unnecessary or impossible.
 6. Dust leaving the site shall be limited to the greatest extent practicable through use of water spraying, covering, street cleaning, and through reducing the scope of or stopping activities during high winds.
 7. Air filters, external or internal, shall be installed, inspected and maintained on a regular schedule during activities authorized by this permit on the air intake duct(s) of the Trianon Building and on any other buildings in the area determined by DPD or the applicants to reasonably be affected by dust leaving the site.
 8. Backup alarms of vehicles used outside of enclosed structures shall be broad band and not pure toned with the exception of the trucks of hauling contractors who shall be encouraged by the applicant and its contractors to use such devices.
 9. Sidewalk closures along 2nd Ave. shall be avoided to the greatest extent possible and implemented only when necessary for public safety. No street, alley or sidewalk closures may take place without permit approval from the Seattle Department of Transportation.

Signature: _____ (signature on file) Date: March 10, 2011
Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Services

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